

## **REMARKS**

Claims 1, 2, 4-9, 11-16, and 21-27 are pending.

Claims 3, 10, and 17-20 have been canceled without prejudice or disclaimer of the subject matter recited therein.

Claims 1, 2, 4-9, 11-16 and 21-27 stand rejected.

Claims 1, 2, 4, 9, 11-16, 22, 24-26, and 27 have been amended.

Claims 2, 11-16, and 24-26 have been amended to recite a computer system rather than a server. Applicants respectfully submit that the amendments are not for reasons of patentability.

Claims 4, 9, and 11 have been amended for clarity.

Claims 1, 2, 9, 16, 22, 25, and 27 have been amended to replace references to a “cache” “caching” with non-narrowing amendments and not for reasons of patentability.

### **Claim Objections**

Claims 4, 9, and 11 are objected to and have been amended for clarity to overcome the claims objections.

Claim 16 is objected to because the status identifier in the response to the previous Office Action was “Currently amended” and should have been identified as “Previously Presented”. Claim 16 has been amended in this current response and is correctly labeled “Currently amended”.

Applicants respectfully request withdrawal of the objections.

### **Specification Amendments**

The Specification has been amended to correct minor informalities. No new matter has been added.

### **I. Claim Rejections - 35 U.S.C. § 103**

Claims 1, 2, 4-8, 11-15, 21, 22, 24, 25 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,643 issued to Cheng et al. (hereinafter “*Cheng*”) in view of U.S. Patent No. 6,314,567 issued to Oberhauser et al. (hereinafter “*Oberhauser*”). Applicants respectfully traverse the rejection.

*Cheng* relates to a service provider computer system that stores software update information for various software products. *Cheng*, Abstract. *Cheng* teaches that client computer systems can access the service provider computer system to determine if updates for installed software products on the client computer systems are available. *Id.* If available, the service provider computer system can assist the client computer systems in updating their installed software. *Id.*

The client computer systems store a state of their software configuration prior to installing software updates. More specifically, *Cheng* teaches that, “prior to actually installing the software update [an install monitor] records the changes made to the client computer 101 as a result of the installation of the software update.” *Id.* col. 8, lines 63-66. “This information is archived by the install monitor and allows the user to “undo” or remove any number of installations, and restore the client computer 101 to its state prior to each such installation.” *Id.*, col. 8, line 66-col. 9, line 3.

Thus, *Cheng* teaches storing a software configuration state.

For purposes of distinguishing *Cheng* in view of *Oberhauser* from the present invention, Applicants refer to claim 1 as representative of the independent claims. Claim 1 recites:

storing a current first context state in response to a requirement for the installation of a first component, wherein the first component is one of the plurality of components;

changing the current state of the context to a context state corresponding to the context associated with the first component if the current first context state and the context associated with the first component are not equal;

installing the first component as part of the configuration;

upon installing the first component as part of the configuration, changing a first state of the configuration to a second configuration state that includes the first component; and

restoring the stored first context state upon completing installation of the first component without changing the second configuration state.

As the Examiner correctly stated, *Cheng* does not teach or suggest a “context state” that is separate from a “configuration state.” Office Action, p. 4. The Examiner cites *Oberhauser* to supply the missing teachings of *Cheng*. Applicants respectfully submit that, like *Cheng*, *Oberhauser* relates to storing configuration states and, like *Cheng*, does not teach or suggest a “context state” that is separate from a “configuration state”.

The Examiner states that *Oberhauser* teaches caching the current context state in step 135 of Fig. 6, changing the current context state in Figs. 7A and 7B, and installing code and changing the current configuration state to a new configuration state in step 141 of Fig. 6, and restoring the cached context state without changing the new configuration state in step 143 of Fig. 6. Office Action, p. 4. The Examiner also cites *Oberhauser*, col. 2, lines 26-52.

Applicants respectfully submit that all of the foregoing teachings related to the cited Figures of *Oberhauser* relate to saving a configuration state and, like *Cheng*, does not teach or suggest a “context state” that is separate from a “configuration state”.

*Oberhauser* is directed towards “transferring state data between computer software programs within the same software process” using “a few standard operating system calls (i.e., fork and exec, etc.).” *Oberhauser*, Abstract.

Step 135 of Fig. 6 saves state information. More specifically, *Oberhauser* teaches,

If at step 134, the update or change to a old program 62 (FIG. 3) within the parent process 61 is indicated, then the old program 62 runs a checkpoint 73 and saves the state information by forking a child process 65 (FIG. 3) at step 135, herein further defined with regard to FIG. 7A. *Id.*, col. 5, line 65-col. 6, line 2.

Step 143 retrieves state information. More specifically, *Oberhauser* teaches,

The new program 63 in the parent process 61 then progresses to block 143 in which the state information is retrieved from the child 65, using a state retrieval routine 160, herein further defined with regard to FIG. 7B at step 143.

Thus, the state information that was saved in step 135 is retrieved in step 143 with no teaching or suggestion of a “context state” that is separate from a “configuration state”.

Col. 2, lines 26-52 emphasizes the focus on state data:

The present invention is generally directed to an apparatus and method system and method **for transferring state data** between software programs within the same process. In accordance with one aspect of the invention, the apparatus and method repeatedly determine if a newer online program exists for an executing online program, save online program data if a newer online program exists, terminate the online program, execute the newer online program to provide the requested service, and **utilize the preserved current program data** during the newer online program's execution.

Thus, neither *Cheng* nor *Oberhauser*, alone or in combination, teach or suggest a “context state” that is separate from a “configuration state” as required by claims 1, 2, 4-9, 11-16, and 21-27. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 2, 4-8, 11-15, 21, 22, 24, 25 and 27.

## **II. Claim Rejections - 35 U.S.C. § 103**

Claims 9 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cheng* in view of *Oberhauser*, and further in view of U.S. Patent No. 5,721,824 issued to Taylor (hereinafter “*Taylor*”) in view of U.S. Patent No. 6,367,075 issued to Kruger et al. (hereinafter “*Kruger*”). Applicants respectfully traverse the rejection.

Claims 9 and 16 depend from claims 1 and 2, respectively. Accordingly, Applicants respectfully submit that claims 9 and 16 are allowable for at least the same reasons as claims 1 and 2, respectively.

## **III. Claim Rejections - 35 U.S.C. § 103**

Claims 23 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cheng* in view of *Oberhauser* as applied to claims 1 and 2, and further in view of *Taylor*. Applicants respectfully traverse the rejection.

Claims 23 and 26 depend from claims 1 and 2, respectively. Accordingly, Applicants respectfully submit that claims 23 and 26 are allowable for at least the same reasons as claims 1 and 2, respectively.

## New Claims.

### Claims 28-30.

Applicants also respectfully submit that *Cheng* in view of *Oberhauser*, *Taylor*, and *Kruger* does not teach or suggest the present invention of claims 28-30.

For purposes of distinguishing *Cheng* in view of *Oberhauser*, *Taylor*, and *Kruger* from the present invention, Applicants refer to claim 28 as representative of claims 28-30. Claim 28 recites:

28. The method of claim 1 wherein the plurality of components of the configuration are selected from a group of components, the method further comprising:

upon installing the first component as part of the configuration, determining whether to install one or more additional components based upon installation of the first component; and

if one or more additional components are to be installed based upon installation of the first component, selecting the one or more additional components to be installed, wherein **the context associated with the first component limits available choices from which the one or more additional components can be selected to a subset of the group of components.**

Claims 28-30 specifically recite that “the context associated with the first component limits available choices from which the one or more additional components can be selected to a subset of the group of components.” Applicants respectfully submit that the state information recorded by *Cheng* and *Oberhauser* not only does not teach or suggest a context state separate from a configuration, *Cheng* in view of *Oberhauser* does not teach or suggest, “if one or more additional components are to be installed based upon installation of the first component, selecting the one or more additional components to be installed, wherein **the context associated with the first component limits available choices from which the one or more additional components can be selected to a subset of the group of components.**” Claim 28.

### Claims 31 and 32.

For reasons at least similar to respective claims 1 and 28, Applicants also respectfully submit that *Cheng* in view of *Oberhauser*, *Taylor*, and *Kruger* fail to teach or suggest the present invention of claims 31 and 32.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

FILED ELECTRONICALLY

October 13, 2006

Respectfully submitted,

*/Kent B. Chambers/*

Kent B. Chambers  
Attorney for Applicant(s)  
Reg. No. 38,839